

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KRISTIN BUFFINGTON,

*Plaintiff,*

v.

ANDREW M. SAUL, Commissioner of  
the Social Security Administration,<sup>1</sup>

*Defendant.*

CIVIL ACTION  
NO. 19-1773

**ORDER**

AND NOW, this 2nd day of January 2020, upon careful consideration of Plaintiff Kristin Buffington's Brief and Statement of Issues in Support of Request for Review (ECF No. 9), Social Security Commissioner Andrew M. Saul's Response (ECF No. 10), Buffington's Reply (ECF No. 13), the Commissioner's Motion to Stay (ECF No. 12), Buffington's Response (ECF No. 14), the Report and Recommendation filed by Magistrate Judge Thomas J. Reuter (ECF No. 15), the administrative record (ECF No. 8), and it appearing that neither Plaintiff nor the Commissioner have objected to the Report,<sup>2</sup> it is **ORDERED** that:

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<sup>1</sup> Andrew M. Saul was confirmed as Commissioner of the Social Security Administration on June 4, 2019. He is substituted as the Defendant in this action pursuant to Federal Rule of Civil Procedure 25(d).

<sup>2</sup> The Report and Recommendation was sent to all parties of record on November 26, 2019, together with a Notice from the Clerk of Court advising the parties of their obligation to file any objections within 14 days after service of the Notice. See Local R. Civ. P. 72.1 IV(b) ("Any party may object to a magistrate judge's proposed findings, recommendations or report under 28 U.S.C. § 636(b)(1)(B), and subsections 1(c) and (d) of this Rule within fourteen (14) days after being served with a copy thereof."). As of today's date, however, no objections have been filed.

1. The Report and Recommendation is **APPROVED** and **ADOPTED**<sup>3</sup>;
2. The Motion to Stay is **DENIED**;
3. Plaintiff's Request for Review is **GRANTED**, and the decision of the Commissioner of Social Security's decision is **REVERSED** to the extent that the matter is **REMANDED** to the Commissioner under sentence four of 42 U.S.C. § 405(g)<sup>4</sup> for further proceedings consistent with the Report and Recommendation; and
4. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

*/s/ Gerald J. Pappert*  
GERALD J. PAPPERT, J.

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<sup>3</sup> When no objection is made to a Report and Recommendation, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee notes; *see also Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998). No clear error appears on the face of the record and the Court accordingly accepts Judge Reuter's Recommendation.

<sup>4</sup> "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." 42 U.S.C. § 405(g).